



Legislative Bulletin.....July 19, 2004

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: At least \$337.5 million over five years

Effect on Revenue: None

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

H.Res. 714—Honoring Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for her tireless efforts to improve the quality of teaching and learning (*George Miller*)

Order of Business: The resolution is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 714 resolves that the House:

“recognizes Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for--

“(1) her decades of work on behalf of disadvantaged children; and

“(2) her outstanding contributions and leadership in improving the quality of teaching and learning.”

Additional Background: According to the resolution, Sandra Feldman “rose through the ranks of the United Federation of Teachers to the position of executive director and to the Federation's presidency in 1986.” She was elected in May 1997 as the President of the American Federation of Teachers, becoming the 15th president in the Federation's history and the first female president since 1930. Ms. Feldman is also a noted Democratic activist, most recently campaigning with presumed nominee John Kerry in Michigan and praising Kerry in a speech at the AFT convention last week. To read Ms. Feldman's complete speech, click here - <http://www.aft.org/presscenter/speeches-columns/speeches/feldman071404.htm>.

The American Federation of Teachers is the second largest teacher's union in the United States. To view the AFT's legislative priorities, click here - <http://www.unionvoice.org/legislativeaction/home.html>.

Committee Action: The resolution was introduced on July 13, 2004, and referred to the Committee on Education and the Workforce. The committee did not consider the resolution.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4492—To amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas (Regula)

Order of Business: The bill is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4492 provides additional funding to existing National Heritage Areas and creates two new National Heritage Areas in Ohio and Pennsylvania.

Existing National Heritage Areas:

H.R. 4492 would extend the authorization for the nine National Heritage Areas created in 1996 to September 30, 2027 (when first authorized, the federal funds authorization was to expire in 15 years, in 2012). These nine National Heritage Areas are as follows: Augusta Canal National Heritage Area, Essex National Heritage Area, Hudson River Valley National Heritage Area, National Coal Heritage Area, Ohio & Erie National Heritage CanalWay, Rivers of Steel National Heritage Area, Silos & Smokestacks, South Carolina National Heritage Corridor, and Tennessee Civil War National Heritage Area. The authorizations for federal matching funds for each of these areas would also be increased from a total of \$10 million to a total of \$20 million.

National Aviation Heritage Area:

H.R. 4492 would also establish a National Aviation Heritage Area in specified counties of Ohio and Indiana to highlight and preserve property and items related to the nation's aviation history. An Aviation Heritage Foundation would be designated as the management entity for the Heritage Area. The Foundation would be required to create, within three years, a management plan for (among other things) assisting units of government and nonprofit organizations in establishing and maintaining interpretive exhibits regarding aviation, developing recreational resources, increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area, and restoring historic buildings that relate to aviation.

The Foundation could not use federal funds received under this legislation to acquire real property or an interest in real property and would have to report annually to the Secretary of the Interior. The Secretary of Interior and the State of Ohio would have to approve the Foundation's management plan, and upon the request of the Foundation, the Secretary could provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan.

Any federal agency conducting or supporting activities directly affecting the Heritage Area would be directed to coordinate (as best as possible) with the Secretary and the Foundation.

The bill would authorize total appropriations of \$10 million, though not more than \$1 million could be appropriated directly for the Heritage Area in any fiscal year. The federal share of the cost of activities carried out using any assistance or grant under this legislation could not exceed 50%.

The authority of the Secretary to provide assistance under this legislation would sunset 15 years after enactment.

Oil Region National Heritage Area

H.R. 4492 would also establish an Oil Region National Heritage Area in specified areas of Pennsylvania to conserve, enhance, and interpret the significant features of the lands, water, and structures of the Oil Region. The Oil Heritage Region, Inc. would be designated as the management entity for the Heritage Area. The Foundation would be required to create, within two years, a management plan for (among other things) assisting units of government and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area, developing recreational resources, increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area, and restoring historic buildings relating to the theme of the area.

The management entity could not use federal funds received under this legislation to acquire real property or an interest in real property and would have to report annually to the Secretary of the Interior. The Secretary of Interior, in consultation with the Governor of Pennsylvania, would have to approve the Foundation's management plan, and upon the request of the Foundation, the Secretary could provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan.

Any federal agency conducting or supporting activities directly affecting the Heritage Area would be directed to coordinate (as best as possible) with the Secretary and the Foundation.

The bill would authorize total appropriations of \$10 million, though not more than \$1 million could be appropriated directly for the Heritage Area in any fiscal year. The federal share of the cost of activities carried out using any assistance or grant under this legislation could not exceed 50%.

The authority of the Secretary to provide assistance under this legislation would sunset 15 years after enactment.

(A bill including the National Aviation Heritage Area and the Oil Region National Heritage Area passed the House on November 18, 2003, by voice vote (H.R. 280)).

Additional Provisions

H.R. 4492 also revises the boundary of the National Coal Heritage Area in West Virginia and reauthorizes appropriations for the Coastal Heritage Trail Route in New Jersey.

Additional Background: Congress has established 24 National Heritage Areas around the country, in which conservation, interpretation, and other activities are managed by partnerships among federal, state, and local governments and the private sector. The National Park Service provides technical assistance, as well as financial assistance for a limited number of years following designation.

The National Park Service defines a National Heritage Area as follows:

A "National Heritage Area" is a place designated by the United States Congress, where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape

arising from patterns of human activity shaped by geography. These patterns make National Heritage Areas representative of the national experience through the physical features that remain and the traditions that have evolved in the areas. Continued use of the National Heritage Areas by people whose traditions helped to shape the landscapes enhances their significance.

National Heritage Areas are a new kind of national designation, which seeks to preserve and celebrate many of America's defining landscapes.

<http://www.cr.nps.gov/heritageareas/FAQ/INDEX.HTM>

NOTE: no legislative criteria exist for designating a National Heritage Area.

Most of the 24 existing National Heritage Areas are located in the eastern third of the United States. To see what and where they are, visit this webpage:

<http://www.cr.nps.gov/heritageareas/VST/INDEX.HTM>

Congress authorized the National Heritage Areas as follows:

- 1 in 1984
- 1 in 1986
- 2 in 1988
- 2 in 1994
- 11 in 1996
- 6 in 2000
- 1 in 2003

For more information on National Heritage Areas, visit this website:

<http://www.cr.nps.gov/heritageareas/>

Committee Action: H.R. 4492 was introduced on June 2, 2004, and referred to the Committee on Resources. The committee approved the bill (amended) by unanimous consent on July 14, 2004.

Possible Conservative Concerns: Conservatives have tended to oppose National Heritage Areas because such designations usually lead to restrictive federal zoning and land-use planning. That is, residential and commercial private property owners are often prevented from doing what they want on their own property because of federal concerns that the historic “landscape” would be disrupted.

As J. Peyton Knight of the American Policy Center told the House Resources Committee’s Subcommittee on National Parks, Recreation and Public Lands last year, “Nearly every Heritage Area has a management plan or statement of purpose that calls for restrictive zoning regulations, under the auspices of more environmental protection, more open space and more historic preservation. This typically results in more infringements upon the property rights of landowners located within the boundaries of Heritage Areas.”

Furthermore, Mr. Knight points out that National Heritage Areas provide another reason for groups subsisting on federal funds to ask for even more federal funds: “If the Heritage Areas program is allowed to proliferate, experience shows that it will become not only a funding albatross, as more and more interest groups gather around the federal trough, but also a

program that quashes property rights and local economies through restrictive federal zoning practices. The real beneficiaries of a National Heritage Areas program are conservation groups, preservation societies, land trusts and the National Park Service—essentially, organizations that are in constant pursuit of federal dollars, land acquisition and restrictions to development.”

Dan Clifton of Americans for Tax Reform also pointed out to the Parks Subcommittee that the “National Park Service...is already facing a multi-billion dollar maintenance backlog” and thus will not practically be able to take on any new maintenance requirements.

Administration Position: The National Park Service, in testimony before the Parks Subcommittee last year, recommended “**defer[ing] action on any individual national heritage area designation or study bill until generic national heritage area legislation is enacted.**” (*emphasis added*)

“Ideally, national heritage areas provide a cost-effective way to preserve nationally important natural, cultural, historic, and recreation resources through the creation of a working partnership between federal, state, and local entities. In addition, national heritage areas should be locally driven, locally supported, should not involve federal land acquisition or zoning, and should protect private property rights. At its best, this program embodies Secretary of the Interior Gale Norton’s “Four C’s” - Communication, Consultation, and Cooperation, all in the service of Conservation.”

“Some national heritage areas, however, have not met this ideal. For example, some national heritage areas have been designated without a clear indication of the ability of the management entity to assume responsibility for management of the area. The management entity subsequently has operated the area without a clear financial plan for achieving self-sufficiency without federal support. Consequently, it is time to step back, evaluate existing areas, and develop legislative guidelines that will shape future national heritage area designations.”

To read the full statement, visit this webpage:

<http://resourcescommittee.house.gov/108cong/parks/2003oct16/tiller.htm>

The President’s FY05 budget request also included a significant reduction in funding for National Heritage Areas, proposing funding of \$2 million (down from \$14 million in FY04).

Cost to Taxpayers: A cost estimate is not available. However, the bill authorizes at least \$90 million over the next 23 years for the nine existing National Heritage Areas and \$20 million over the next 15 years for the two new National Heritage Areas.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates two new National Heritage Areas and doubles authorized funding for nine existing areas.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4625—Soda Ash Royalty Reduction Act of 2004 (Cubin)

Order of Business: The bill is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4625 would reduce royalty fees for soda ash (the trade name for sodium carbonate). Specifically, the bill would reduce the royalty rate from 6 percent to 2 percent for the next five years.

The bill also requires a study by the Secretary of Interior within four years on the effects of the royalty reduction, including the number of jobs created or maintained and a recommendation of whether the reduced rate should continue.

Additional Background: According to the findings of H.R. 4625, U.S. exports of soda ash have been flat, despite booming world demand. The bill notes “most of the world’s largest markets...including Brazil, the People’s Republic of China, India, the countries of eastern Europe, and the Republic of South Africa, have been closed by protectionist policies” and that the People’s Republic of China has supplanted the U.S. as the largest producer of soda ash in the world. H.R. 4625 also notes that over 700 jobs have been lost in the U.S. soda ash industry since the Department of the Interior increased the royalty rate on soda ash produced on federal land in 1996 (the rate was increased from 4 percent to 6 percent).

Committee Action: H.R. 4625 was introduced on June 21, 2004, and referred to the Committee on Resources. The Subcommittee on Energy and Mineral Resources held a hearing on the bill on June 24, 2004. The subcommittee was discharged from consideration of the bill and the full Resources Committee reported it by unanimous consent on July 14, 2004.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 3874—To convey for public purposes certain Federal lands in Riverside County, CA (Bono)

Order of Business: The bill is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3874 would convey 44 acres of land in the Coachella Valley to Father Joe's Villages, a nonprofit organization, for the purpose of providing a homeless shelter, a training center, and affordable housing. The land to be conveyed is on the Bureau of Land Management's disposal list.

Committee Action: H.R. 3874 was introduced on March 2, 2004, and referred to the Committee on Resources. The Subcommittee on National Parks, Recreation and Public Lands held a hearing on March 25, 2004, and reported the bill to the full committee by unanimous consent on April 22. The full Resources Committee approved the bill (amended) by unanimous consent on May 5.

Administration Position: A representative of the Department of Interior testified on March 25, 2004, that it supported the goals of the legislation but that "we typically require that the government receive fair market value for lands transferred outside the Federal government" and "we nevertheless believe, at a minimum, that the R&PP pricing guidelines are should be applied." (R&PP pricing for nonprofits is 50% of fair market value). H.R. 3874 as reported by committee does not require any payment for the land.

http://resourcescommittee.house.gov/archives/108/testimony/2004/robertlamb_3874.htm

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 3874 would have no significant impact on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report 108-512, cites Article I, Section 8 and Article IV, Section 3, but fails to cite specific clauses.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4115—To amend the Act of 11/2/66, to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation (Hayworth)

Order of Business: The bill is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4115 would amend the Act of November 2, 1966 (25 U.S.C. 416a(c)) to allow binding arbitration clauses to be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation in Arizona. There is currently some question as to whether the tribe may put binding arbitration into all of its contracts and leases (it is allowed in certain cases).

Committee Action: H.R. 4115 was introduced on April 1, 2004, and referred to the Committee on Resources. The committee favorably reported the bill to the House by unanimous consent on May 19, 2004.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 4115 would have no effect on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report 108-535, cites Article I, Section 8, but fails to cite a specific clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 1156—To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, CA, Regional Water Reclamation Project (Loretta Sanchez)

Order of Business: The bill is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1156 increases the authorization for the federal share of the cost of the Orange Country Regional Water Reclamation Project from \$20 million to \$80 million.

Additional Background: The Orange County Water District has created the Ground Water Replenishment System to inject highly treated wastewater into the groundwater basin in Orange County. The existing project's cost is estimated at \$450 million (with a \$20 million

federal share authorized). Increasing the federal share to \$80 million, according to the Resources Committee, will help leverage more local and state financing to expand the project to \$600 million in total cost.

According to the Congressional Budget Office, the federal government has spent \$11 million on the project to date, leaving an additional \$9 million to be spent.

Committee Action: H.R. 1156 was introduced on March 6, 2003 and referred to the Committee on Resources. The Subcommittee on Water and Power held a hearing on September 10, 2003, and reported the bill to the full Committee on October 30, 2003, by unanimous consent. The full Resources Committee favorably reported H.R. 1156 to the House by unanimous consent on May 21, 2004.

Administration Position: On September 10, 2003, a representative of the Bureau of Reclamation testified that “the Department believes that this legislation, which would authorize another \$60 million, **is unwarranted at this time and therefore, we cannot support its approval.**” <http://www.usbr.gov/newsroom/testimony/2003/03-09-10c.html>

Cost to Taxpayers: According to the Congressional Budget Office, H.R. 1156 would authorize \$60 million over the FY05-09 period.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill increases federal funding for a state water project.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report 108-562, cites Article I, Section 8, but fails to cite a specific clause.

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H.R. 2831—Newlands Project Headquarters and Maintenance Yard Facility Transfer Act (Gibbons)

Order of Business: The bill is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2831 authorizes the Secretary of the Interior to convey the 36.5 acres of property within the Newlands Project in Nevada to the Truckee-Carson Irrigation District. The land to be transferred includes the Newlands Project Headquarters and Maintenance Yard Facility. Any funds received by the United States for the lease and sale of the Fallon Freight Yard (as authorized by Public Law 107-339) would be treated as payment in full for the land.

Additional Background: The Department of Interior and the Truckee-Carson Irrigation District entered into a memorandum of agreement on June 9, 2003, which contains the terms of the land conveyance. The land to be conveyed under the bill has been leased by the Truckee-Carson Irrigation District since 1972.

Committee Action: H.R. 2831 was introduced on July 23, 2003, and referred to the Committee on Resources. The Subcommittee on Water and Power held a hearing on October 15, 2003, and was discharged from further consideration of the bill on May 19, 2004, by unanimous consent. The full Resources Committee favorably reported the bill, as amended, by unanimous consent on May 19, 2004.

Administration Position: A representative of the Bureau of Reclamation testified in support of the bill, with certain changes. The three changes requested by the Administration were not made during committee consideration.

<http://www.usbr.gov/newsroom/testimony/2003/03-10-15h.html>

Cost to Taxpayers: The Congressional Budget Office estimates that the bill would have no significant impact on the budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report 108-571, cites Article I, Section 8, but fails to cite a specific clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 1014—Gateway Communities Cooperation Act (Radanovich)

Order of Business: The bill is scheduled for consideration on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1014 would require federal land managers to communicate, coordinate, and cooperate with gateway communities (areas significantly affected by planning and management decisions regarding federal lands). The relevant Secretary (Interior or Agriculture, as appropriate) would be required to involve local elected and appointed officials in gateway communities in the development of land use plans, programs, land use regulations, land use decisions, transportation plans, general management plans, and any other plans or decisions that are likely to have a significant impact on the community. At the request of the community, the relevant Secretary would be required to provide training sessions to help officials better understand the agency planning processes and technical assistance to help communities develop land use or management plans. H.R. 1014 authorizes \$10 million per year for these purposes.

The Secretaries are also authorized to provide grants to any gateway community with a population of less than 10,000. H.R. 1014 authorizes \$10 million per year for these grants.

Committee Action: H.R. 1014 was introduced on February 27, 2003, and referred to the Committee on Resources and the Committee on Agriculture. The Resources Subcommittee on National Parks, Recreation, and Public Lands approved the bill by voice vote on October 21, 2003. The full Resources Committee favorably reported the bill to the House by unanimous consent on May 5, 2004. The Committee on Agriculture discharged the bill without consideration on May 20, 2004.

Cost to Taxpayers: H.R. 1014 authorizes \$20 million per year, for an authorization of \$100 million for over fiscal years 2005-09, subject to appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill requires new cooperation between the Federal Government and gateway communities and authorizes new grants to small gateway communities.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report 108-508, cites Article I, Section 8, but fails to cite a specific clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 2619 — Kilauea Point National Wildlife Refuge Expansion Act of 2003 (Case)

Order of Business: The bill is scheduled for consideration on Monday, July 19, 2004, under a motion to suspend the rules and pass the bill.

Note: According to the General Services Administration (GSA), the federal government currently owns 671,579 acres in Hawaii, 16.4% of the state.

(Source:http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2003-R4_R2M-n11_0Z5RDZ-i34K-pR.pdf)

Summary: H.R. 2619 would authorize the Secretary of the Interior to acquire as federal land 234 acres of land for inclusion in the Kilauea Point National Wildlife Refuge in Hawaii, for “the protection and recovery of endangered Hawaiian waterbirds and the endangered nene and the conservation and management of native coastal strand, riparian and aquatic biological diversity.”

The land to be acquired is 12 acres, known as the Kilauea Bay property; 40 acres, known as the Kilauea Vistas property; 162 acres, known as the Kilauea Falls Ranch; 5 acres, known as

the Kauai Public Land Trust Kahili Beach property; and 15 acres of Kilauea Garden Farms. The bill includes the following provision, "All acquisitions of land or waters under this Act shall be made in a voluntary manner and shall not be the result of forced takings." According to the Committee, "This land is comprised of five separate parcels of land owned by private individuals who have expressed a willingness to sell or donate the property for inclusion within the refuge."

Administration Position: "The Administration is committed to taking better care of what we have, while ensuring that new acquisitions truly meet strategic needs of the NWRs. ... We have evaluated the areas identified in ... H.R. 2619 ... and, after a careful review of our current priorities and funding constraints, have concluded **that the funding needs associated with the operational requirements to expand these refuges would compromise our ability to properly manage and address the needs of these refuges, as well as existing refuges throughout the system.**

"... The State of Hawaii Department of Land and Natural Resources, the County, the City of Kilauea, and other local partners have all expressed interest in protecting the natural resources along the coastal area of Kaua'i. Thus, we believe the Service working in partnership with other interested agencies can achieve the resource protection goals suggested by ... H.R. 2619.

"We appreciate that ... Representative Case and [his] constituents are interested in having the Fish and Wildlife Service expand our role in the areas around ... Kilauea Point National Wildlife Refuges. However, for the reasons stated previously, **the Administration cannot support this legislation.**"

(Source: September 25, 2003, Special Assistant to the Director of the U.S. Fish and Wildlife Service, Resources Committee testimony, <http://resourcescommittee.house.gov/archives/108/testimony/clintriley.htm>)

Additional Information: The Kilauea Point National Wildlife Refuge on the Hawaiian island of Kauai was established on December 19, 1984. The initial size of the Refuge was 31 acres containing the historic Kilauea Lighthouse. In 1988, Congress expanded the size of the Refuge to acquire certain additional adjacent lands. The Refuge is now 203 acres and it is one of few Refuges open to the public in the State. Under H.R. 2619, the refuge will more than double in size.

Committee Action: H.R. 2619 was introduced on June 26, 2003, and referred to the House Committee on Resources, which considered the bill and ordered it reported to the full House on May 19 by unanimous consent.

Cost to Taxpayers: The bill authorizes such sums as may be necessary and CBO estimates that implementing it would cost \$6 million in 2005 and \$18 million over the next five (\$6 million in 2005 and \$11 million in 2006 to acquire land under the bill), subject to appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases the amount of land in Hawaii that the federal government will own.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in Report 108-522 finds authority under Article I, Section 8 of the Constitution (Powers of Congress), but fails to cite a specific clause.

RSC Staff Contact: Sheila Moloney; sheila.moloney@mail.house.gov; (202) 226-9719.

H.R. 2991 — Inland Empire Regional Water Recycling Initiative (Dreier)

Order of Business: The bill is scheduled for consideration on Monday, July 19, 2004, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2991 would amend 43 U.S.C. 390h to authorize \$20 million and \$10 million respectively, for the Secretary of the Interior to participate in the design, planning, and construction of the Inland Empire regional water recycling program and the Cucamonga County Water District pilot satellite recycling plant. This bill would limit the federal share of each of the projects' costs to 25% of the total, and restrict the funds from being used for operation and maintenance. According to the committee, the bill would add a projected 75,000 new acre feet of water annually to one of the largest recycled water distribution systems in the Santa Ana River Watershed.

Administration Position: According to September 10, 2003, testimony by the Deputy Commission of Operations at the Bureau of Reclamation, **"The Department cannot support enactment of this legislation** for two primary reasons. First, any new project authorized at this time will place an additional burden on Reclamation's already tight budget, and could potentially delay the completion of other currently authorized projects. With the tremendous backlog of existing Title XVI projects, we cannot support the addition of new projects at this time. Second, in the case of the Cucamonga County Water District Pilot Satellite Recycling Plant, the feasibility study prepared by the local water district was not done in consultation with Reclamation and thus would need to be reviewed to assure it meets our criteria."

Additional Information: The Committee suggests that this bill is necessary as a result of dwindling water supplies and increasing water demands in southern California, which are exacerbated due to the historic Quantification Settlement Agreement and long-term drought.

In 1992, the federal government authorized the "The Reclamation Wastewater and Groundwater Study and Facilities Act," which directs the Bureau of Reclamation to award federal grants to communities developing non-traditional water supplies. The program allows for a 50% federal cost share for feasibility studies and a 25% Federal cost share for construction projects. The Committee notes that the significant local cost-share makes these projects attractive to private financing and partnerships and encourages regional solutions to complex water supply problems.

Committee Action: H.R. 2991 was introduced on September 3, 2003, and referred to the House Committee on Resources, which considered the bill and ordered it reported to the full House on May 5, by unanimous consent.

Cost to Taxpayers: The bill authorizes the appropriation of \$30 million. CBO estimates that implementing H.R. 2991 would cost \$26 million over the 2005-2009 period and \$4 million after 2009, subject to appropriation.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill would authorize the Department of Interior to become involved in two water-recycling programs in southern California.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in Report 108-506 finds authority under Article I, Section 8 of the Constitution (Powers of Congress), but fails to cite a specific clause.

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H.R. 3785 - To authorize the exchange of certain land in Everglades National Park (Mario Diaz-Balart)

Order of Business: The bill is scheduled for consideration on Monday, July 19, 2004, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3785 would authorize the National Park Service (NPS) to acquire approximately 1,050 acres of land for the Everglades National Park in Florida, through a four-way exchange with the General Services Administration, Dade County, and the South Florida Water Management District. In addition, the bill would authorize Interior to acquire “from 1 or more willing sellers” up to 10 acres located outside of the park’s East Everglades area “for the development of administrative, housing, maintenance, or other park purposes.”

Additional Information: The 1996 Water Resources Development Act authorized modifications to one of the historic projects associated with the restoration of the Florida Everglades known as the C-111 Project. Specifically, the C-111 Project, located on the eastern boundary of the Florida Everglades, would restore habitat of the Everglades National Park that has been adversely affected by the Army Corps of Engineers Central and Southern Florida Project, as well as restore more natural flows of water to the Park's eastern panhandle, Taylor Slough and Florida Bay. According to the Committee, the exchange of land authorized under H.R. 3785 would allow the NPS to provide the necessary lands to complete the project modifications and obtain an equal amount of acreage adjacent to the Park boundary, which when incorporated into the Park would conform to the Park Service's goal of no net loss to the Park.

Note: According to the General Services Administration (GSA), the federal government currently owns 4.6 million acres in Florida, 13.3% of the state

(Source: <http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2003-R4_R2M-n11_0Z5RDZ-i34K-pR.pdf>).

Committee Action: H.R. 3785 was introduced on February 10, 2004, and referred to the House Committee on Resources, which considered the bill and ordered it reported to the full House on May 19, by unanimous consent.

Cost to Taxpayers: The bill does not include an authorization, though CBO estimates that acquiring and developing land near the East Everglades area of the park would cost about \$3.5 million over the next few years, \$500,000 of which would be used to acquire the additional 10 acres. (This does not include \$2 million that would be spent for employee housing because the NPS is already authorized to build employee housing outside of the park.)

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would authorize the Department of Interior to acquire land from Miami-Dade County and the South Florida Water Management District in exchange for approximately the same amount of federal land. The new offsite facility authorized in the bill will replace existing facilities within the park, which will be demolished.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in Report 108-516 finds authority under Article I, Section 8 of the Constitution (Powers of Congress), and Article IV, Section 3 (federal lands), but fails to cite specific clauses.

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H.R. 3819—Lewis and Clark National Historical Park Designation Act (Baird)

Order of Business: The bill is scheduled to be considered on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3819 would designate, as a unit of the National Park System, the Lewis and Clark National Historical Park, created from lands in Oregon's Fort Clatsop National Memorial, plus additional lands in Oregon and Washington. The Secretary of the Interior could acquire such lands by donation, purchase with donated or appropriated funds, exchange, transfer from any federal agency, or by such other means as the Secretary deems to be in the public interest. The Secretary would manage the new Park and would be encouraged to enter into cooperative agreements with appropriate officials in Oregon and Washington.

The bill states explicitly that nothing in this legislation should be construed to require any private property owner to permit public (including government) access to such private property or to modify any provision of federal, state, or local law with regard to public access to or use of private lands.

The Secretary of the Interior would also have to update the 1958 Lewis and Clark National Historic Landmark theme study to determine the historical significance of the eastern sites of the Corps of Discovery expedition used by Meriwether Lewis and William Clark (including Monticello, Virginia, Wood River, Illinois, Saint Louis, Missouri, Washington, District of Columbia, and other relevant sites in Virginia, Washington, District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, and Illinois). The focus of the study would be on developing historical context information to assist in the evaluation and identification of sites eligible for listing in the National Register of Historic Places or designation as a National Historic Landmark.

The bill would repeal Public Law 85-435 (regarding the establishment and administration of Fort Clatsop National Memorial).

Additional Background: According to the Resources Committee, land identified for acquisition under this legislation totals 560 acres—390 acres from easements with willing sellers, 45 acres donated by the State of Washington, 10 acres that would be transferred from the federal government, and 160 acres that would be acquired by fee or easement from willing sellers.

For information on the Lewis and Clark excursions, visit this webpage:
<http://www.lewis-clark.org/>

Committee Action: On February 24, 2004, the bill was referred to the Resources Committee. On April 22nd, the National Parks Subcommittee marked up and forwarded the bill to the full Committee by unanimous consent. On May 5, 2004, the Committee ordered the bill (with amendment) reported to the full House by unanimous consent.

Possible Conservative Concerns: Some conservatives might be concerned that this bill would increase the land holdings of the federal government. According to the General Services Administration (GSA), the federal government already owns 49.7% of Oregon and 31.0% of the state of Washington (as of September 2003).
http://www.gsa.gov/gsa/cm_attachments/GSA_DOCUMENT/Annual%20Report%20%20FY2003-R4_R2M-n11_0Z5RDZ-i34K-pR.pdf

Cost to Taxpayers: CBO estimates that this bill would cost the federal government \$7.5 million over the FY2005-FY2008 period, spread out approximately as follows:

FY2005: \$2.375 million

FY2006: \$2.375 million

FY2007: \$2.375 million

FY2008: \$0.375 million

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, it would increase the amount of land that the federal government owns (which as of September 2003 is already as high as about 672 million acres—29.6% of all land in the United States).

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-570, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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H.R. 142—To amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project (Miller, Gary)

Order of Business: The bill is scheduled to be considered on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 142 would authorize three items:

- \$20 million for the Interior Department, in cooperation with the Orange County Water District, to participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin (maximum federal cost share set at 25%);
- \$50 million for the Interior Department, in cooperation with units of local government, to assist agencies in projects to construct regional brine lines to export the salinity imported from the Colorado River to the Pacific Ocean (maximum federal cost share set at 25%); and
- \$50 million for the Interior Department, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority, to participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project (maximum federal cost share set at 25%).

Additional Background: From the Resources Committee:

Water recycling and desalination are growing trends throughout the Nation. The federal government's specific role in these efforts is the Title XVI program, also known as "The Reclamation Wastewater and Groundwater Study and Facilities Act." Authorized in 1992 and amended in 1996, the Title XVI program directs the Bureau of Reclamation in the Department of the Interior to award federal grants to communities developing non-traditional water supplies. The Title XVI program allows for a 50% federal cost share for feasibility studies and a 25% federal cost share for construction projects.....As amended, H.R. 142 authorizes Title XVI funding for a number of areas in southern California.

Committee Action: On January 7, 2003, the bill was referred to the Resources Committee. On October 30, 2003, the Water & Power Subcommittee marked up, amended, and forwarded the bill to the full Committee by unanimous consent. On May 5, 2004, the Committee ordered the bill (without amendment) reported to the full House by unanimous consent.

Cost to Taxpayers: CBO confirms that the bill would authorize a total of \$120 million, which it estimates would be spread evenly across five fiscal years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would authorize federal participation in three new water projects using new federal funds.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-564, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause of authority. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution." [*emphasis added*]

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H.R. 3932—To amend Public Law 99-338 to authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project (Nunes)

Order of Business: The bill is scheduled to be considered on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3932 would authorize two more ten-year renewals of certain lands within the Sequoia National Park by the Kaweah Hydroelectric Project (operated by Southern California Edison Company). The current renewal expires in 2006. The bill would also specify what would have to be contained in a renewal permit (current law is much more vague). A renewal permit would have to contain:

- A prohibition on expansion of the Kaweah Project in Sequoia National Park;

- **A requirement that an independent safety assessment of the Kaweah Project be conducted and that any deficiencies identified as a result of the assessment be corrected;**
- A requirement that the Secretary of the Interior submit to Congress an update on the impact of Kaweah Project on Sequoia National Park; and
- Any other reasonable terms and conditions that the Secretary “deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.”

Additional Background: From the Resources Committee:

On December 21, 1943, Congress expanded the boundaries of the Sequoia National Park, and in doing so acquired lands that included portions of the Kaweah Hydroelectric Project operated by Southern California Edison Company. The Company has been operating the project on site since it went online on May 29, 1913. From 1943 through 1986, Congress authorized the Secretary of the Interior to extend the company's permit to operate the project in the Park. In 1986, Congress again reauthorized the Secretary of the Interior to issue a permit for the operation, plus authorized a renewal for ten more years, through 1996. The Company did renew its permit, which expires in 2006.

Committee Action: On March 10, 2004, the bill was referred to the Resources Committee, which, on May 5th, marked up and by unanimous consent ordered the bill reported to the full House.

Administration Position: On April 29, 2004, before the National Parks Subcommittee, the Deputy Director of the National Park Service offered this testimony:

Generally speaking, hydroelectric operations are not an appropriate use of national park lands. If this project were proposed today, the Department would undoubtedly oppose it. However, this system has been in operation for over a century, and its continuation for relatively short additional periods is acceptable. In addition, it is generally accepted that removal of either the diversions and flumes on the Kaweah Middle and Marble Forks, or the dams on four Mineral King lakes, in the headwaters of the East Fork, would pose substantial technical challenges, and have significant short-term environmental impacts. Weighing these factors, we believe it makes sense to allow the continued permitting of these facilities—subject to certain conditions.

To read the complete testimony, visit this webpage:

http://resourcescommittee.house.gov/archives/108/testimony/2004/donaldmurphy_3932.htm

Cost to Taxpayers: CBO confirms that this bill would have no significant impact on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-525, cites constitutional authority in Article I, Section 8 (but fails to cite a specific clause), and Article

IV, Section 3 (regarding Congress' power to make rules for federal lands). Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution." [emphasis added]

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H.R. 4158—To provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship (Ortiz)

Order of Business: The bill is scheduled to be considered on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4158 would direct the Secretary of Commerce to convey to the Government of Mexico (without receipt of any payment) the National Oceanic and Atmospheric Administration (NOAA) vessel *Whiting* for use as a hydrographic survey platform in support of activities of the United States-Mexico Charting Advisors Committee and to otherwise "enhance coordination and cooperation between the United States and Mexico regarding hydrographic surveying and nautical charting activities in the border waters of both countries in the Gulf of Mexico and in the Pacific Ocean." The Secretary would deliver *Whiting* at the vessel's homeport location of Norfolk, Virginia, at no additional cost to the United States. The U.S. would not be responsible for any remediation, maintenance, or operation of the *Whiting* after delivery.

Additional Background: *Whiting*, in service from 1963 to 2002, was replaced by the hydrographic survey vessel *Littlehales* in 2003. NOAA does not currently have authority to transfer ships directly to foreign governments.

Committee Action: On April 2, 2004, the bill was referred to the Resources Committee, which marked up the bill on May 19th and by unanimous consent ordered the bill reported to the full House.

Cost to Taxpayers: CBO confirms that this legislation would not yield any significant cost to the federal government.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-537, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause of authority. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain "a

statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [emphasis added]

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H.R. 4170—Department of the Interior Volunteer Recruitment Act (Pombo)

Order of Business: The bill is scheduled to be considered on Monday, July 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4170 would authorize the Secretary of the Interior to recruit and use volunteers (subject to certain restrictions) in the programs of the Bureau of Indian Affairs, the United States Geological Survey, the Bureau of Reclamation, and the Office of the Secretary. Volunteers could not be used in law enforcement work, in regulatory and enforcement work, in the policy-making process, or to displace any employee.

The Secretary could provide for services and costs incidental to the use of volunteers, including transportation, supplies, uniforms, lodging, subsistence (without regard to place of residence), recruiting, training, supervision, and awards (including nominal cash awards). A volunteer would not be considered to be a federal employee.

Additional Background: The Department of the Interior is already authorized to use volunteers in the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.

Committee Action: On April 20, 2004, the bill was referred to the Committee on Resources, which, on July 14th, marked up and ordered the bill reported to the full House by unanimous consent.

Cost to Taxpayers: CBO estimates that the bill would authorize appropriations of close to \$500,000 a year.

Does the Bill Expand the Size and Scope of the Federal Government?: It would increase the number of volunteers working with the federal government and authorize minimal funds for the costs associated with these volunteers.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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